Digitized by the Internet Archive
in 2010 with funding from
Lyrasis Members and Sloan Foundation

http://www.archive.org/details/memorialofwmdeve1867wmde

[Document B.]

BY THE HOUSE OF DELEGATES,

JANUARY 7th, 1867.

Referred to the Committee on Elections, and 250 copies ordered to be printed.

MEMORIAL

OF

WM. DEVECMON, AND OTHERS,

CONTESTING THE ELECTION OF

WM. R. McCULLEY, AND OTHERS,

TO THE

HOUSE OF DELEGATES.

JANUARY SESSION, 1867.

ANNAPOLIS:
HENRY A. LUCAS, PRINTER.
1867.

MEMORIAL.

To the Honorable,

The House of Delegates of Maryland:

The memorial of William Devecmon, William A. Bryden, John M. English and Patrick Hamill, of Allegany county, Maryland, respectfully represents:

That they were candidates for seats in your Honorable Body at the late Election of November 6th, 1866, in this State as the representatives therein of said Allegany county; and that a large number of votes at that election, were cast for them for that office; and at the same time a large number of votes were cast at the same time, for a certain William R. McCulley, Samuel M. Haller, Daniel C. Bruce and Charles Gilpin, who were returned as elected.

Your memorialists further represent that believing that said William R. McCulley, Samuel M. Haller, Daniel C. Bruce and Charles Gilpin were not duly elected to seats in your body and designing to contest their election, they served upon said last named parties, a notice in writing of said intention; a copy of which notice is hereto annexed, as part of this memorial.

They further represent that subsequent to said notice, they, your memorialists, did in accordance with the laws of the State of Maryland, serve upon said above named parties, a written notice of your memorialists intention to take testimony to substantiate their position in this regard; and thereafter at the times and places named in said notice, they proceeded in the presence of the counsel of said parties so notified, to examine witnesses and take testimony to that end; a transcript of which testimony will, by the magistrate who took the same, be transmitted to the presiding officer of your Honorable Body as required by law.

Your memorialists submit that the testimony so taken fully sustains their position and belief that said William R. McCulley, Samuel M. Haller, Daniel C. Bruce and Charles Gilpin were not duly and legally elected; and they threfore pray your Honorable Body to declare that the said William R. Mc-

Culley, Samuel M. Haller, Daniel C. Bruce and Charles Gilpin, were not duly elected to seats in your Honorable Body; but that your memorialists William Devecmon, William A. Bryden, John McElfish and Patrick Hamill, were duly elected to said seats, at the election aforesaid, and are entitled to the same.

WILLIAM DEVECMON,
Cumberland, Allegany county, Md.
January 1st, 1867.

P. HAMILL,
Swanton, Md.
January 1st, 1866.

WM. A. BRYDEN,
Bloomington, Allegany county, Md.
January 1st, 1867.

JOHN McELFISH,
Flintstone, Allegany county, Md.
January 1st, 1867.

Copy of notice referred to in the annexed memorial of William Devecmon, William A. Bryden, John McElfish and Patrick Hamill, to the House of Delegates of Maryland, January Session 1867.

To William R. McCulley, Samuel M. Haller, Daniel C. Bruce and Charles Gilpin.

Gentlemen: Notice is hereby given that it is the intention of the undersigned to contest your election for the House of Delegates, for the State of Maryland.

We shall proceed to take testimony at such time and place as shall hereafter be designated and agreed upon by John B. Widenner, a Justice of the Peace of the State of Maryland, in and for Allegany county.

Dated the 15th day of November, 1866.

WILLIAM DEVECMON,
PATRICK HAMILL,
WILLIAM A. BRYDEN,
JOHN McELFISH.

CUMBERLAND, ALLEGANY COUNTY, Md.

December 31*st*, 1866.

To the Presiding Officer of the
House of Delegates of the State of Maryland:

Sir:—In accordance with the provisions of the 61st section of the 35th Article of the Maryland Code of Public General Laws, I herewith transmit the certificate of notices and proof of the service of the same, and the depositions taken in the contested election case therein named.

Respectfully,
J. B. Widener,
Justice of the Peace of the State of
Maryland, in and for Allegany county.

[5 cts. U. S. Rev. Stamp.]

DEPOSITIONS.

William Devecmon,
William A. Bryden,
John McElfish,
Patrick Hamill.,
Against.
Daniel C. Bruce
William R. McCulley,
Samuel M. Haller,
Charles Gilpin.

Before the House of Delegates of the State of Maryland.

Depositions taken before me, John B. Widener, a Justice of the Peace of the State of Maryland, in and for Allegany county:

Be it remembered, and I hereby certify that William Devecmon, William A. Bryden, John McElfish, and Patrick Hamill, above named filed with me, Justice as aforesaid, a notice, certificate and affidavit, marked "Contestant's Exhibit A," which I herewith return as part of this record.

EXHIBIT A.

To William R. McCulley, Samuel M. Haller, Daniel C. Bruce, and Col Charles Gilpin.

Gentlemem:—Notice is hereby given that it is the intention of the undersigned to contest your election for the House of Delegates, for the State of Maryland.

We shall proceed to take testimony at such time and place as shall hereafter be designated, and agreed upon by John B. Widener, a Justice of the Peace, of the State of Maryland, in and for Allegany county.

Dated the 15th day of November, 1866.

WILLIAM DEVECMON,
PATRICK HAMMILL,
WILLIAM A. BRYDEN,
JOHN McELFISH.

CUMBERLAND, MD., Dec. 24, 1866.

I hereby certify that I did on the 16th day of November, 1866, serve upon Charles Gilpin and Daniel C. Bruce, each,

and upon William R. McCulley, and Samuel M. Haller, each, a copy of the foregoing and annexed notice, by leaving with each of them a written copy of said notice.

DANIEL DUNCAN,
Sheriff of Alleghany county, Maryland.

STATE OF MARYLAND,

ALLEGHANY COUNTY, *to wit:*

I hereby certify that on the 2d day of January, in the year 1867, before me the subscriber, a Justice of the Peace of the State of Maryland, in and for Alleghany county, personally appeared Daniel Duncan, Sheriff of Allegany county, and made oath in due form of law, that the facts stated in the above certificate are true as therein stated.

Given under my hand and seal this second day of January, 1867.

J. B. WIDENER, [Seal.]
Justice of the Peace of the State of
Maryland, in and for Allegany county.

[United States 5 cent stamp.]

And be it further remembered, that said William, Devecmon, William A Bryden, John McElfish and Patrick Hammill, applied to me, John B. Widener, Justice as aforesaid, to take testimony in the above entitled case, and I thereupon issued the following notice to wit:

To William R. McCulley, Samuel M. Haller, Daniel C. Bruce, and Col. Charles Gilpin.

Gentlemen:—Notice is hereby given that it is the intention of the undersigned to contest your election for the House of Delegates, for the State of Maryland.

We shall proceed to take testimony at such time and place as shall hereafter be designated, and agreed upon by John B. Widener, a Justice of the Peace of the State of Maryland, in and for Allegany county.

WILLIAM DEVECMON,
PATRICK HAMMILL,
WILLIAM A. BRYDEN,
JOHN McELFISH.

To *William R. McCulley, Samuel M. Haller, D. C. Bruce, and Charles Gilpin.*

Gentlemen: You are hereby notified that in accordance with the provision of Article thirty-five of the Code of Public General Laws relating to contested elections, William Devec-

mon, Patrick Hamill, William A. Bryden and John McElfish, who are contesting your election to the House of Delegates under the election held in Allegany county, Maryland, on Tuesday, November the 6th in the year 1866, have applied to the undersigned, a Justice of the Peace of the State of Maryland, in and for Allegany county aforesaid, for a notice under my hand and seal to be directed to you, notifying you that they will examine before me the persons as witnesses who are hereinafter named to wit: Henry Hammill, A. C. Hammill, Henry O. Hammill, Resin Turner, Richard J. West, George H. O'Brien, Patrick Hammill, Jonathan H. Wilson, Alexander Fairall, Jeremiah Guard, Peter Speelman, Otho Speelman, Richard White, William Savage, Ezra Savage, Walter Wilburn, Wm. Browning, Thomas Browning, Perry Weimer, John Slicer, John Alexander, Henry Deffenbaugh, John L. Browning, Alfred T. Browning, William Hall, William Arnold, David S. Arnold, Charles Best, John Beard, John Conneway, David A. Gower, Jacob P. Gower, John Gower, John N. Gower, John A. Gower, Geo. H. Gower, Henry Rearson, Abraham Hawn, Josiah Hawn, David E. Hauser, Ezra Hauser, Charles O. Nithheim, John Paugh, John Rorth, John Redder, Jr., George Rorth, Frederick P. Saucer, Benjamin F. Shaffer, E. C. Tabb, John Whinell, Jr., Joseph Knep, Peter Knep, Lloyd Kitzmiller, Wm. H. Kitzmiller, Dudley Lee, Henry Lowry, Jerry Lecht, James F. Siller, William H. Moon, Jacob R. Moon, Josiah Moon, George McCormick Francis Martin, George Mossey, George L. Mossey, J. McClure Mason, John C. Nithken, John Phillips, John G. Roth, John Redder, Sr., John F. Saunder, Jacob Shaffer, Henry O. Shaffer, Henry Thompson, Henry Kline, A. Chamberlain, John Naughton and Thomas Jamison ; and we further give you notice that we shall offer in evidence a certified copy of the registration of voters in the respective districts of the county.

By the above witnesses we expect to prove :

First, That intimidation and threats were practiced on legal voters by the Judges of Election in the several districts of the county, and by other persons through the connivance and approval of said Judges, which precluded and prevented a large number of legal voters from voting for contestants who would have voted for them but for such threats and intimidation.

Second, That the said Judges of Election wilfully and fraudulently refused to permit registered voters to vote unless they would cast their votes for you, and would not allow them to vote for the contestants, and that the number of legal registered voters so refused, and who offered to vote for the contestants, would, if received, give the contestants a large majority of the legal voters.

Third, That at the polls in Election districts Nos. 10, 16, 15, 14 and 2, sundry illegal voters, unregistered and non-resident, were permitted by the Judges of Election to cast their votes for each of you for the House of Delegates, and numerous legal voters, qualified to vote at said polls and offering their votes at the polls for the contestants, were rejected, and refused to be allowed to vote by said Judges of Election.

Fourth, That the election in Districts Nos. 4 and 1 were held at illegal and unusual and improper places, inaccessible, inconvenient, and places unknown to some of the voters until it was too late to go there to vote, and that the Judges of Election in those two districts held the election at those places through improper bias for you, and with a view to keep off the voters who were in favor of the contestants, and that the said Judges behaved in other respects, at the polls and prior to the election, with partiality to you and prejudice to the contestants, and excluded and rejected legal voters who offered their ballots for the contestants.

Fifth. That the Judges of Election in District No. 4, after the polls were closed at said election, all went out of the polling place and remained away about two hours, during which time the poll list and ballot-box were out of their sight and possession and left in the possession of one Abraham Dayton and other persons; and that said election was held at the drinking saloon, being a cave in the ground, of one Robert Powell, and the ballot-box and poll list were left there while the Judges were absent as aforesaid, and the said Robert Powell had made bets on your election and against the contestants' election, and these facts were known to the said Judges of Election.

Sixth. That the Judges of Election were partial in the discharge of their duty, and were, and acted as, the partisans of you the above named persons claiming to be elected, and openly solicited voters to cast their ballots in favor of you, while said election was going on and previous thereto, and determined previous to said election to exclude certain legal voters who would vote for the contestants and against you, and did exclude many such voters in pursuance of such previous determination from casting their ballots for the contestants, and that you or some of you advised said Judges or some of them to exclude said persons from voting for contestants.

Seventh. That each and every one of the witnesses hereinbefore named, are legal registered voters entitled to vote at said election, and that each of them attended the polls in their respective election districts on the day of election, to wit, the 6th day of November, 1866, between 9 o'clock in the morning and 6 in the evening, and tendered his ballot to the

Judges of Election with the names of the contestants printed on said ballots for House of Delegates, and offered, intended and tried to vote for contestants for said office, but said Judges of Election refused to receive their votes and deprived them of the right of voting for the contestants.

Eighth. That a large number of persons who were your partisans and friends and voted for you at said election, surrounded the polls with arms and weapons in election District No. 10 on the morning of election and held the said polls all that day and drove off by force, violence, threats and intimidation a large number of legal registered voters who were entitled to vote at said election for members of the House of Delegates, and who desired and intended and offered themselves ready at the polls with their ballots in their hands to vote for the contestants for the House of Delegates, and that these persons were forced off and could not put in their ballots for the contestants by reason of the force, violence, threats and intimidation aforesaid.

They further notify and require each of you to attend in person or by attorney at the Glades Hotel in Oakland, Allegany county, on Wednesday and Thursday, the 5th and 6th days of December next, at 10 o'clock A. M., to cross examine witnesses, and also attend in person or by attorney, at my office in the city of Cumberland, on Monday the 10th day of December next, at 10 o'clock A. M., to cross examine witnesses and do such matters in the premises as you desire. And you are further notified that if all said testimony cannot be taken on the days and at the places herein named, the taking of the same will be continued from day to day at the said named places until it is completed.

Given under my hand and seal this 21st day of November, in the year of our Lord eighteen hundred and sixty-six.

JOHN B. WIDENER, J. P. [SEAL.]

A copy of which said notice, with an affidavit of service thereof and certificate endorsed thereon, is herewith returned as part of this record, marked "*Contestant's Exhibit B.*"

J. B. WIDENER,
Justice of the Peace of the State of
Maryland, in and for Allegany county, Maryland.

OAKLAND, ALLEGANY COUNTY, MD.,
December 5th, 1866.

In pursuance of the aforegoing notice, I attended, at the time and place therein designated, and having appointed Joseph A. Cahill as Clerk, and administered to him an oath to fairly write down and transcribe the depositions to be taken

by me, did proceed then and there to take the following testimony to-wit:

Deposition No. 1.

CHARLES BEST; being duly sworn, deposed and said as follows to-wit:

By Mr. Devecmon:

1st Question.—What is your name, age, occupation and residence?

Answer. My name is Charles Best, age 54, by occupation teacher; residence, Allegany county, District No. 10.

By Mr. Devecmon:

2d Question.—How long have you resided in District No. 10.

Answer. For ten or twelve years.

By Mr. Devecmon:

3d Question. Did you or not attend the election held in Allegany county on the 6th day of November, 1866, and did you then and there offer a ticket to the Judges of Election in District No. 10 as your ballot, and was it received or rejected? and state the names of the persons on the ticket as candidates for the House of Delegates.

Answer. I did attend said election; I offered a ticket to said Judges as my ballot; it was refused. The names of the persons on the ticket as candidates for House of Delegates were, Patrick Hammill, Williams Devecmon, George W. McCulloh, William A. Bryden and John McElfish.

By Mr. Devecmon:

4th Question. Were there any men about the polls with arms, and did they intimidate and threaten any of the voters?

Answer. There were; and they did intimidate voters. Two armed men were stationed at the door.

By Mr. Devecmon:

5th Question. To what party did these armed men belong?

Answer. They belonged to what is called the Radical party.

By Mr. Devecmon:

6th Question. Were you a registered voter?

Answer. I was.

By Mr. Devecmon:

7th Question. Did the Judges of Election give any reason for rejecting your vote?

Answer. They merely replied that there were charges against me.

By Mr. Devecmon:

8th Question. Do you know any other matter or thing which would be of advantage to the contestants in this case?

Answer. I think not.

Cross-examined by Mr. Brown.

1st Question. State how those men were armed.

Answer. They were armed with guns and pistols.

2d Question. How many armed men did you see?

Answer. Not less than twelve.

3rd. Question. Is it not a custom for men to take their arms with them to the polls?

Answer. It used to be the custom.

4th Question. Is not nearly every man in that District in the habit of using guns?

Answer. Almost all.

5th Question. Do men there go to church with their guns?

Answer. Not in my day.

6th Question. Did the Judges tell you what those charges were?

Answer. They did not.

7th Question. During the Rebellion did you furnish any aid or comfort to the rebels, or express any sympathy?

Answer. I furnished no aid or comfort in any way.

8th Question. Did the Judges ask you any questions?

Answer. They did not.

Re-examined by Mr. Devecmon:

1st Question. Were these armed men at the polls for the purpose of intimidating voters, and did their armed presence intimidate them.

Answer. Their presence did intimidate voters.

CHARLES BEST.

Deposition No. 2.

JACOB P. GOWER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

What is your name, age, residence and occupation?

Answer. My name is Jacob P. Gower, aged 27, born and raised in Allegany County, Md., and by occupation a farmer.

2nd Question. When were you registered as a voter?

Answer. I was registered this Fall, about the 11th of September, prior to the election, November 6th.

3rd Question. Did you or not attend the election held in Allegany County, November 6th, if so, in what District, and did you then and there offer a ticket to the Judges of Election as your ballot, and was is received or rejected, and state the names of such persons printed on said ticket as candidates for the House of Delegates?

Answer. I attended said election, in District, No. 10, I offered my ticket to the Judges, and they rejected it. The names of the parties on said ticket were: Patrick Hammil, William Devecmon, William A. Bryden, George W. McCulloh and John McElfish.

4th Question. Were there any armed men about the polls?

Answer. There were.

5th Question. Did they offer any violence or threats to intimidate voters?

Answer. They did.

6th Question. Did they intimidate any persons from voting?

Answer. Some did not come to the polls on that account, and some were prevented from voting.

7th Question. Did not the Judges of Election refuse to allow registered voters to vote?

Answer. They did.

Cross-examined by Mr. Brown.

1st Question. How many armed men were at the polls?

Answer. Not less than twenty. They were armed with guns and pistols.

2nd Question. How many voters were intimidated from voting?

Answer. Some three or four, viz: Joseph Camp, was influenced in this way, but was not present at the polls. Some were present at the polls, who did not offer to vote, and I think it was on account of this influence.

3rd Question. Were those men carrying their guns as if they meant to intimidate voters, and prevent voting?

Answer. They did, and were stationed at different points.

4th Question. Is it the custom in that county to carry guns on such occasions?

Answer. It is, but they never before acted as they did on November 6th, and I never before saw them carry revolvers.

5th Question. Did the Judges ask you to take the oath?

Answer. They did, and I declined, on the ground that I had taken it before the Register, when I was registered. It was the same oath. The Judges refused my vote because I declined to take the oath before them, and said I could vote if I would take it, as they had no charges against me.

6th Question. Did you ever give any aid or comfort to the enemies of the United States?

Answer. I never did.

Re-examined by Mr. Devecmon.

1st Question. Were not these armed men at the polls for the purpose of intimidating men from voting?

Answer. I think so.

JACOB P. GOWER.

Deposition No. 3.

FRANCIS MARTIN, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Francis Martin, age 44, reside in Dist. No. 10, Allegany county, have lived there 38 years, and by occupation a farmer?

2nd Question. Were you registered as a voter prior to November 6th, 1866?

Answer. I was registered on September 11th, 1866.

3rd Question. Did you or not attend the election held in Allegany county, November 6th, 1866, and if so, did you then and there offer to the Judges of Election a ticket as your ballot, and was it received or rejected; and state the names of the parties printed on said ticket as candidates for the House of Delegates?

Answer. I did attend said election, and did offer my ticket, and it was rejected. The names of the parties on said ticket were Patrick Hammil, George W. McCulloh, William A. Bryden, John McElfish and William Devecmon.

4th Question. Were there any armed men at the polls?

Answer. There were. They stood at the door and other places, and this had a tendency to intimidate voters. These men belonged to the Radical party. The Judges asked me to take the oath, and I declined on the ground I had taken it before the Register; they said, "You've taken it once, and

you can take it again ;'' I refused to take it any more. The Judges said there was nothing against me.

Cross-examined by Mr. Brown.

1st Question. Why did you not register before?

Answer. Because I did not wish to.

2d Question. Can you name any persons who were intimidated?

Answer. I cannot.

3d Question. Did you take any part in the late war?

Answer. I did not, staid at home, minded my business, paid my taxes, &c.; and furnished no aid or comfort to the enemies of the United States.

his
FRANCIS ⋈ MARTIN.
mark.

Test: —J. B. WIDENER.

Deposition No. 4.

HENRY THOMPSON, being duly affirmed, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Henry Thompson, age 45, reside in Ryan's Glades, District No. 10, Allegany county, and by occupation a farmer.

2nd Question. Were you registered as a voter prior to November 6, 1866?

Answer. I was registered last Fall, prior to November 6, 1866.

3rd Question. Did you or not attend the election held in Allegany county November 6, 1866; and if so, did you offer to the Judges of Election a ticket as your ballot, and was it received or rejected, and whose names were on said ticket as candidates for the House of Delegates?

Answer. I did attend said election, and offered my ticket to said Judges. It was rejected; and the names of the parties for candidates for House of Delegates were, Patrick Hammill, William Devecmon, George W. McCulloh, William A. Bryden and John McElfish.

4th Question. Were there any armed men at the polls?

Answer. There were, but don't know their intentions, as they said nothing to me.

5th Question. Did they intimidate voters?

Answer. I did not see them interfere with any one.

6th Question. How long were you at the polls?

Answer. Some two hours.

Cross-examined by Mr. Brown.

1st Question. Did you ever present yourself to be registered before September, 1866?

Answer. I did not.

2d Question. Why did you not register before?

Answer. Because I had said I would not register before the old Board.

3d Question. Why did the Judges refuse your vote?

Answer. Two of the three Judges said they had nothing against me; they never asked me to take any oath, and rejected my vote without assigning any reason.

HENRY THOMPSON.

Deposition No 5.

FREDERICK P. SAUCER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Frederick P. Saucer; age, 40; residence in Disirict No. 10, Allegany county; resided there 7 years past; occupation a farmer.

2d Question. Were you a registered voter prior to Nov. 6th, 1866?

Answer. I was registered last September.

3d Question. Did you attend the election in District No. 10, Allegany county, on Nov. 16th, 1866, and did you offer a ticket as your ballot to the Judges of Election, and did they accept or reject it; and whose names were on your ballot as Candidates for the House of Delegates?

Answer. I did attend said election; offered my ticket to said Judges; they rejected my ticket; the names of the parties on my ticket as such candidates were, Patrick Hammill, William Devecmon, William A. Bryden, John EcElfish and George W. McCulloh.

4th Question. Were there any armed men about the polls on that day?

Answer, There were a good many ; I offered to vote ; and the Judges said I must take the oath ; that it was law ; I declined to take it ; the Judges and the armed men were all radicals. I can't tell if the armed men intimidated voters, I was not there long enough to judge ; I was not there over twenty minutes.

Cross-examined by Mr. Brown.

1st Question. Why did not the Judges let you vote ?

Answer. They said I must take the oath, and that it was law ; I declined to take it, as I had done so before the Register.

2d Question. How many armed men did you see ?

Answer. About fourteen ; some had guns, and some had both guns and revolvers ; they fired no shots, nor presented their weapons whilst I was at the polls ; the armed men did not prevent me from voting, nor any one else that I saw; I was present only twenty minutes.

3d Question. Is it the usual custom for people in District No. 10 to carry arms ?

Answer. It is ; they had more guns on this occasion than I had usually seen at such places.

4th Question. What side did you take during the war ?

Answer. I took the Union and Constitutional side, and did not side with Secessionists or Abolitionists.

5th Question. Why did you not register before September last ?

Answer. Because I did not believe it was right to go there and tell on my neighbors and create enemies ; when I registered I took the oath and answered questions, but don't know how many or what they were.

FREDERICK P. SAUCER.

Deposition No. 6.

David E. Houser, being duly sworn deposed and said as follows, to wit :

By Mr. Devecmon :

1st Question. What is your name, your age, your residence and your occupation ?

Answer. My name is David E. Houser, age 35, reside in District No. 10, Allegany county ; lived there all my life, and by occupation a farmer.

2d Question. Were you a registered voter prior to November 6, 1866 ?

Answer. I was registered last September.

3d Question. Did you or did you not attend the election held in District No. 10, Allegany county, November 6, 1866, and did you offer a ticket as your ballot to the Judges, and did they accept or refuse it; and whose names were on your ticket as candidates for the House of Delegates?

Answer. I did attend said election, offered my ticket; it was refused by the Judges, and the names of the parties as candidates for the House of Delegates were Patrick Hammil, George W. McCulloh, William A. Bryden, John McElfish and William Devecmon. The Judges required me to take the oath and I refused, saying that I had taken it once and thought it enough.

4th Question. Do you know of anything else that would be of advantage to the contestants in this case?

Answer. I do not.

Cross-examined by Mr. Brown.

1st. Question. Did you present your ticket to the Judges?

Answer. I did.

2d Question. What sort of an oath did they ask you to take?

Answer. They said it was a little different from the one I had taken before the Register. I saw no one else take the oath. I don't know why the Judges wanted me to take the oath. Only a few questions were asked me when I registered.

3d Question. During the late war how did you stand?

Answer. I was always for the old Constitution, and never gave aid or comfort to the enemies of the United States. At the first registration I was busy getting in hay, and did not feel inclined to get registered.

DAVID E. HOUSER.

Deposition No. 7.

John Phillips, being duly sworn deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, your age, residence and occupation?

Answer. My name is John Phillips; age 52; reside in District No. 10, Allegany county; lived there for seven years, and my occupation is a farmer.

2d Question. Were you registered prior to November 6, 1866?

Answer. I was registered last September.

3d Question. Did you or not attend the election held in District No. 10, in Allegany county, November 6, 1866; and did you offer a ticket as your ballot to the Judges of the Election; was it accepted or refused, and whose names were on your ticket as candidates for the House of Delegates?

Answer. I attended said election; offered my ticket to the Judges; they refused it unconditionally. The names of the parties as candidates for the House of Delegates were Patrick Hammil, William A. Bryden, George W. McCulloh, John McElfish and William Devecmon.

4th Question. Were any armed men about the polls, and to what party did such armed men belong?

Answer. There were a great many armed men there and called themselves Radicals. I never saw such a display of armed men at an election in my life. I never saw it equalled in Baltimore. I felt intimidated by these armed men. I considered the armed display there designed to intimidate voters. I know of nothing else of advantage to the contestants.

Cross-examined by Mr. Brown.

1st Question. How many armed men were at the polls?

Answer. I should say there were forty armed men there. I think the whole, or nearly the whole Radical party of Ryan's Glades were armed.

2d Question. Did you ever know any other parties to carry arms in this county?

Answer. I did. There are a great many huntsmen in District No. 10. They generally hunt in the fall of the year. They don't generally go to the polls with guns. I have seen a few guns at elections before. On the election day, November 6, 1866, I did not see any guns used, that is by firing or presenting them about the polls. I think some years ago guns were used about the polls for the purpose of shooting at mark, in one instance.

3d Question. How did it happen that you did not vote?

Answer. The Judges peremptorily refused my vote, saying there were charges against me. There were no charges entered on the registration book of 1866 against me. There were charges against me in 1865. I knew nothing about them until I was registered in 1866 The charges against me in 1865 were voluntarily put there by persons unknown to me. I did not make application to be registered in 1865 for this reason. The officers were so dumb and prejudiced that they did not know the difference between loyalty and disloyalty, and I would not subject myself to insult and abuse by applying to them. I did not think the officers had any

right to ask any qnestions. I have always been loyal to the Constitution, and took no part in the rebellion; never gave any aid or comfort to the enemies of the United States. All the aid and comfort they got from me was they took a horse from me. At the late registration in September, 1866, the regular constitutional oath was administered and some questions asked.

JOHN PHILLIPS.

Deposition No. 8.

RICHARD WHITE, being duly sworn deposed and said as follows, to wit:

By Mr. Bevecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Richard White; age 72 years; reside in District No. 2, Allegany County; have lived in Allegany County all my life, and by occupation a farmer.

2d Question. Were you registered prior to November 6, 1866?

Answer. I was registered in September, 1866. Never applied to be registered before that time. I did not wish to answer the questions, nor did I wish to report on my neighbors. One of the Judges and I were not on good terms, and he would ask me questions which would make me angry.

3d Question. Did you attend the election held in District No. 2, in Allegany County, on November 6, 1866; and did you offer a ticket to the Judges of Election as your ballot; and was it accepted or refused, and whose names were on the ticket as candidates for House of Delegates?

Answer. I attended said election; offered my ticket; it was refused by the Judges. The names on said ticket as such candidates were Patrick Hammil, William Devecmon, George W. McCulloh, William A. Bryden and John McElfish.

Cross-examined by Mr. Bro[illegible]

1st Question. Did you ever furnish aid or comfort to the Rebel army?

Answer. I never did, I had a brother, in the Federal army, also two sons and three nephews in the same army. I never aided the Rebel army in any way whatever.

his
RICHARD ⋈ WHITE.
mark

Witness:—J. B. WIDENER.

Deposition No. 9.

E. C. Tabb, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon.

1st Question. What is your name, age, residence and occupation?

Answer. My name is E. C. Tabb, age 40, reside in District No. 10, Allegany county, and by occupation a farmer. Lived in District No. 10, some seven years.

2nd Question. Were you registered prior to November 6, 1866.

Answer. I was registered in September, 1866.

3rd Question. Did you attend the election held in District No. 10, Allegany county, on November 6, 1866; did you present a ticket as your ballot to the Judges of Election; was it accepted or refused, and whose names were on the ticket as candidates for the House of Delegates?

Answer. I attended said election, offered to vote, my vote was refused by the Judges, the names on my ticket as candidates for the House of Delegates were Patrick Hammil, William A. Bryden, George W. McCulloh, John McElfish and William Devecmon.

4th Question. Were there any armed men at the polls in District No. 10, November 6, 1866?

Answer. Plenty of them, more than I ever saw at any election before; don't know if any voter was intimidated from voting by them; some had guns and some guns and pistols; all armed men except one, belonged to the Radical party; I don't know what those men went there armed for.

Cross-examined by Mr. Brown.

1st Question. Did you see the men make use of the arms.

Answer. I did not; was there only about fifteen minutes; did not see the Radicals make any assaults on any one; one armed man stood at the door, and two or three near by him; I saw no disturbances of any kind; I have seen guns at elections before, but not so many; never saw pistols before at elections; I never tried to register before last September, I had no particular reason for not registering before, only I did not think the Registration law was constitutional, and politics were high; I never took any part in the rebellion in any way whatever, afforded no aid or comfort to the enemy.

E. C. TABB.

Deposition No. 10.

Henry Hammil, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon,

1st Question. What is your name, age, residence and occupation?

Answer. My name is Henry Hammil, age 67, reside in District No. 1, Allegany county, and am by occupation a farmer.

2nd Question. Were you registered prior to November 6, 1866?

Answer. I was registered in September, 1865.

3rd Question. Did you attend the election held in District No. 1, Allegany county, November 6, 1866, did you offer to vote, was your vote accepted or rejected, and whose names were on your ticket as candidates for the House of Delegates?

Answer. I attended said election, offered to vote, and my vote was refused, by the Judges; the names on my ticket as candidates for the House of Delegates, were Patrick Hammil, William Devecmon, William A. Bryden, George W. McCulloh, John McElfish.

4th Question. Was the election in District No. 1, held in an unusual place?

Answer. It was; for forty years before it was never held in the place in which it was held November 6, 1866.

Cross-examined by Mr. Brown.

1st Question. Where was the usual place for holding elections in District No. 1?

Answer. At Wilson's Store.

2nd Question. Where was it held on Nov. 6, 1866?

Answer. At Altament, about a mile from Wilson's Store, in a small room near the rail road.

3rd Question. Is Altament as public a place as Wilsons?

Answer. Not quite. The public State road crosses the R. R. at Wilson's and not at Altament.

4th Question. Why was your vote rejected?

Answer. The Judges said I was challenged, but would give me no other reasons. To all my inquires they answered, "I dont know." The Judges belong to the Radical party. They did not ask me to take the oath. One of the Judges showed me a paper and said I never saw such an oath. He asked me to read it, and I declined to do so. I had nothing to do with the Rebellion, and gave rebels no aid or comfort?

HENRY HAMMIL.

Deposition No. 11.

JACOB SHAFFER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon :

1st Question. What is your name, age, residence and occupation ?

Answer. My name is Jacob Shaffer, age 63, reside in District No. 10, Allegany county, and by occupation a Mechanic.

2nd Question. Where you registered prior to Nov. 1866 ?

Answer. I was registered in September, 1866.

3rd Question. Did you attend the election held in Allegany county, November 6, 1866; did you offer to vote, and was your vote accepted or rejected, and whose names were on your ticket as candidates for House of Delegates ?

Answer. I attended said election, offered to vote, but it was rejected. The names of the persons on my ticket as candidates for the House of Delegates, were William Devecmon, Patrick Hammil, George W. McCulloh, Wm. A. Bryden and John McElfish.

4th Question. Where there any armed men at the polls on November 6. 1866, in District No. 10 ?

Answer. There were a good many armed men there, and they belonged to the Radical party.

Cross-examined by Mr. Brown.

1st Question. How many armed men were there ?

Answer. About 30 I think. I was at the polls about three hours. I knew some of the armed party, about fifteen. They were Radicals, that is those I knew; I cant say as to the politics of the other fifteen; I saw no use made of the arms; I saw no one assaulted.

I did not vote, the Judges refused my vote, but never asked me to take any oath; They asked me if I had not voted for the Ordinance of Secession in Virginia; I told them I had, because I believed all the Southern States would secede, and then we would have a National Convention, and settle things without bloodshed; consider myself loyal; had a son killed in the Federal Army, and never gave any aid or comfort to the enemy except to feed them under compulsion. I offered to prove my loyalty to the Judges by soldiers in the Union Army. It is not usual in District No. 10, to carry so many guns to the polls, sometimes two or three.

JACOB SHAFER.

Deposition No. 12.

GEORGE L. MOSSER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon,

1st Question. What is your name, age, residence and occupation?

Answer. My name is George L. Mosser, age 40, reside in District No. 10, Allegany county, and by occupation a farmer.

2nd Question. Were you registered prior to Nov. 6, 1866?

Answer. I registered in September, 1866.

3d Question. Did you attend the election November 6, 1866, held in district No. 10, Allegany county; did you offer to vote; was your vote accepted or rejected, and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election, offered to vote, but it was rejected; the names of the persons on my ticket as candidates for House of Delegates, were Patrick Hammil, George W. McCulloh, Wm. A. Bryden, Wm. Devecmon, and John McElfish.

4th Question.

Cross-Examined by Mr. Brown.

1st Question. Why did the Judges not take your vote?

Answer. Because I would not take the oath the third time; I offered them my ticket; they asked me to take the oath; they had no charge against me; they asked me to come into the room to take the oath; the votes were taken through a window; the reason why I did not register before, is because I did not know anything about it until too late; during the war I was a Union man under the old Constitution and am now; I never gave any aid or comfort to either side, but fed both sides when they came to my house.

GEORGE L. MOSSER.

Deposition No. 13.

Rezin S. Turner, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation.

Answer. Rezin Turner; age 81; residence, District No. 1, Allegany county, Maryland, and by occupation a farmer.

2d Qnestion. Were you registered prior to Nov. 6, 1866.

Answer. I was registered in September, 1866.

3d Question. Did you attend the polls at the election held in District No. 1, Allegany county, November 6, 1866; did you offer to vote, and was your vote accepted or refused, and

whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; offered to vote, but my vote was refused; the names on my ticket as candidates for House of Delegates, were Patrick Hammil, W. A. Bryden, Wm. Devecmon, John McElfish and George W. McCulloh.

Cross-Examined by Mr. Brown.

1st Question. Why did you not vote?

Answer. The Judge told me to come in and be questioned and I declined, because I was registered; the other two Judges then said I should not vote; they said nothing about an oath. I was always a Union man; had two boys in the Union army, and fed Federal soldiers whenever they came to my house; hired a substitute for another son.

his
REZIN ⋈ TURNER.
mark

Witness:—J. B. WIDENER.

Deposition No. 14.

WILLIAM ARNOLD, being duly affirmed, deposed and said:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Wm. Arnold; age 36; reside in Dist. No. 10, Allegany county, Maryland, and am a farmer.

2d Question. When were you registered?

Answer. In September, 1866.

3d Question. Did you attend the election held on November 6, 1866; did you vote, and if not, why; who did you offer to vote for as Delegates?

Answer. I attended said election; tried to vote, but could not get to the polls for the crowd of armed men and others; I was in a hurry to get home; I saw other men like myself who tried to vote and could not do so; I thought I could not vote; I would have taken no oath; I would have voted for Patrick Hammil, Wm. A. Bryden, Wm. Devecmon, John McElfish and G. W. McCulloh; I did not speak to any of the Judges.

Cross-examined by Mr. Brown.

1st Question. How many armed men did you see?

Answer. About 25 or 30—saw them carry the guns about, but did not see them use them in any way—I did not know any of the men who carried arms, nor their politics, but judg-

ed they were Radicals, because they wore the Yankee uniform. I did not know of the registration in 1865, until the time for registration had passed. I took no part in the war, but fed both parties as they came to my house; I live close to the Virginia line. If I had not fed them, they would have taken it. Had no sympathy either way—it was reported to the Registers of 1865, that I said the South was right—but I don't remember saying so.

WM. ARNOLD.

Deposition No. 15.

GEORGE H. O'BRIEN, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is George H. O'Brien, age 31, live in District No. 1, Allegany county, and am a farmer.

2nd Question. When were you registered?

Answer. In September, 1866.

3rd Question. Did you attend the election November 6, 1866, did you vote, and if not why; whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election, offered to vote, but the Judges refused it. The names on my ticket as candidates for House of Delegates were Patrick Hammil, Wm. A. Bryden, Wm. Devecmon, John McElfish and George W. McCulloh.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. I did not appear before the Registers in 1865, to be registered.

Re-examined by Mr Hammil.

The election was not held in the usual place for holding uch elections.

GEORGE H. O'BRIEN.

Deposition No. 16.

JARVIS MCCLURE MASON, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Jarvis McClure Mason, age 50, reside in District No. 10, Allegany county, and by occupation a farmer.

2d Question. When did you register?

Answer. On the 11th day of September, 1866, in District No. 10.

3d Question. Did you attend the election held in District 10, Allegany county, November 6th, 1866; did you offer to vote; was your vote accepted or refused, and whose names were were on your ticket as candidates for the House of Delegates?

Answer. I attended the said election, and offered to vote, but the Judges refused to take my vote; George Lee, one of the Judges, so deciding; the names of the candidates for House of Delegates on my ticket were, William Devecmon, William A. Bryden, George W. McCulloh, John McElfish and Patrick Hammil.

Cross-examined by Mr. Brown.

1st. Question. Did you try to register in 1865?

Answer. I did not.

2d Question. Was any oath presented to you by the Judges, and what reasons did they give for refusing your vote?

Answer. They presented no oath, but said I had said in 1865 that the South was right; I did say so, because the Judge asked me if It hought so; that was my opinion, and is now.

(The above excepted to.)

his
JOHN J. ⋈ WHIRRELL.
mark

Witness:—J. B. Widener.

Deposition No. 18.

A. C. Hammil, being, duly sworn, deposed and said as follows to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is A. C. Hammil; age, 30; live in District No. 1, Allegany county, Md.; occupation, a farmer.

2d Question. When were you registered?

Answer. In August, 1866, in District No. 1, by Jonathan H. Willson.

3d Question. Did you attend the election held in Allegany county, in District No. 1, November 6th, 1866; did you offer to vote; was your vote accepted or rejected, and whose names were on your ticket as candidates for the House of Delegates?

2nd Question. When did you register?

Answer. In September, 1866.

3rd Question. Did you attend the election held in Allegany county November 6, 1866, and did you offer to vote, and was your vote refused or accepted, and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended the said election in District No. 10, and offered to vote, but the Judges refused it. The names on my ticket for the House of Delegates, were John McElfish, Patrick Hammil, George W. McCulloh, Wm. A. Bryden, Wm. Devecmon.

4th Question. Was there any armed force at the polls, on that day, and did they intimidate voters?

Answer. There were armed men there that day, but I can't say that they intimidated voters. They belonged to the Radical party.

Cross-examined by Mr. Brown.

1st Question. Describe the armed force you speak of.

Answer. I saw a number of men with rifles and revolvers buckled to them; they stood arranged like guards; three stood at the door. I saw from fifteen to twenty armed men; I saw them make no hostile demonstration; they stood quietly, and held their guns in their hands. There was no fighting or assaults of any kind; the election was peaceable.

2d Question. Why did you not vote?

Answer. I don't know; the Judges simply said I could not vote, when I offered my ticket; George S. Lee, one of the Judges, said all the Judges decided that I should not vote. They proposed no oath, and said nothing about charges; I did not appear to be registered in 1865; guns are frequently used in District No. 10; I saw no one take the oath on that day; can't say whether I would have taken the oath.

J. McCLURE MASON.

Deposition No. 17.

JOHN J. WHIRRELL, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is John J. Whirrell; age, 23; live in District No. 10, Allegany county, Maryland, and am a farmer.

Answer. I attended said election; offered to vote, but the Judges said I was challenged, and refused my vote; the names of William Devecmon, William A. Bryden, George W. McCulloh, John S. McElfish and Patrick Hammil were on my ticket as Candidates for the House of Delegates.

4th Question. Was the election held in the usual place for holding elections in District No. 1?

Answer. It was not.

Cross-examined by Mr. Brown.

1st Question. Why were you not allowed to vote?

Answer. The Judges said I was challenged; I asked by whom; one of the Judges said he did not know; I asked him what the challenge was; they replied that they did not know; they asked me to take an oath; I declined, because I had taken it when I was registered; I did not offer to register in 1865.

A. C. HAMMIL.

Deposition No. 19.

PATRICK HAMMIL, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Patrick Hammil, age 49, reside in Dist. No. 1, Allegany county, and by occupation a farmer.

2d Question. When were you registered?

Answer. In September, 1866.

3rd Question. Did you attend the election held in District No. 1, Allegany county, November 6th, 1866, did you offer to vote; was it accepted or rejected; and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; offered my vote, but it was refused by the Judges; they saying there were charges against me, and presented me the oath, which I took; the names of the parties on my ticket as candidates for House of Delegates, were Patrick Hammil, William Devecmon, Wm. A. Bryden, George W. McCulloh, and John McElfish. The Judges would not tell me what the charges were; I was a regularly qualified registered voter in 1866, and was marked on the registry books of 1865; believed to be generally disloyal; I never applied in 1865 to be registered; the oath which I took was the same as I had taken before Mr. Wilson, the register; the Judges also offered me a long list of printed

questions, and asked me to sit down and write out my answers, which I declined to do; they refused to ask me by word of mouth any questions; the election was held at a place unusual for holding elections in District No. 1; the Judges in my presence, solicited men to vote the radical ticket inside the rooms where the Judges were holding the election; they brought such voters inside the room with them and gave them radical tickets.

Cross-Examined by Mr. Brown.

1st Question. Are you a candidate and contestant in this question?

Answer. I am both a candidate and contestant.

2d Question. Did you offer your vote more than once that day?

Answer. I did not; I knew before I went to vote that it would be refused; because it was generally understood in the neighborhood that the Judges would refuse my vote.

P. HAMIL.

Deposition No. 20.

JAMES F. LILLER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is James F. Liller; age 28; reside in District No. 10, Allegany county, Maryland, and am a farmer.

2d Question. When were you registered?

Answer. In September 1866.

3rd Question. Did you attend the election held in District No. 10, Allegany county, November 6, 1866; did you offer to vote; was your vote refused or accepted, and whose names were on your ticket as candidates for the House of Delegates?

Answer. I attended said election and offered to vote, but it was refused by George S. Lee, one of the Judges. The Judges never asked me to take any oath. The names on my ticket as candidates for House of Delegates were Patrick Hammil, William A. Bryden, William Devecmon, John McElfish and George W. McCulloh. The Judges of Election merely said I could not vote. The reason I did not register in 1865 was because I did not believe the Registers had any right to ask the questions they did. I did not think the questions constitutional.

JAMES F. LILLER.

Deposition No. 21.

JOHN A. GOWER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is John A. Gower, age 31, reside in District No. 10, Allegany County, Maryland, and am a shoemaker by occupation.

2d Question. When were you registered?

Answer. In September, 1866.

3d Question. Did you attend the election held in District No. 10, Allegany County, Maryland, November 6, 1866; did you offer to vote; was your vote accepted or refused, and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; did not offer to vote because others did not get their vote when they offered it, and I thought it was no use to offer mine. The names of the parties on my ticket as candidates for House of Delegates were William A. Bryden, William Devecmon, John McElfish, George W. McCulloh and Patrick Hammil.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. Because I thought the Registry Law would be repealed.

JOHN A. GOWER.

Deposition No. 22.

JOHN RIDDER, being duly sworn deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is John Ridder; 69 years of age; live in District No. 10, Allegany County, Maryland, and a farmer by occupation.

2d Question. When were you registered?

Answer. In September, 1866, before Mr. Thompson, in District No. 10.

3d Question. Did you attend the election held in Allegany County, November 6, 1866; did you offer to vote, and was

your vote accepted or refused; whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; I offered to vote, but the Judges refused my ticket; they would not listen to me, and offered me no oath. The names on my ticket as candidates for House of Delegates were William A. Bryden, William Devecmon, John McElfish, Patrick Hammil and George W. McCulloh. I offered to vote about noon.

Cross-examined by Mr. Brown.

1st Question. Did the Judges offer you an oath?

Answer. No; they would not listen to me.

JOHN RIDDER.

Deposition No. 23.

DAVID S. ARNOLD, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is David S. Arnold; age, 38; reside in District No. 10, Allegany county, Md., and am a farmer.

2d Question. When did you register?

Answer. In September, 1866.

3d Question. Did you attend the election held in District No. 10, Allegany county, Md., Nov. 6th, 1866; did you offer to vote; was your vote received or rejected; whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; offered to vote, but the Judges refused my vote, and did not offer to swear me; the names on my ticket as candidates for House of Delegates were Wm. A. Bryden, Wm. Devecmon, George W. McCulloh, John McElfish and Patrick Hammil.

4th Question. Was there any armed force at the polls?

Answer. There were men there armed with guns and pistols; I suppose about twenty armed men were there; I was at the polls about one hour and a half.

Cross-Examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. I did not go to be registered in 1865.

2d Question. Did the Judges give any reason for refusing your vote?

Answer. They said there were charges against me, but did not say what they were. I was registered as a qualified voter in September, 1866 ; I don't know whether or not I asked the Judges what the charges against me were.

3d Question. How did those armed men demean themselves ?

Answer. Two stood at the door of the election room, and some five or six a short distance off ; they made no use of their guns, because there was no occasion for it ; they did not deter me from voting ; the election, while I was there, was perfectly peaceable.

4th Question. Is it customary in District No. 10 for men to carry their guns in the fall of the year, in the game season ?

Answer. It is ; I have seen guns at elections before, but not so many, nor were they used in the manner they were that day ; I never before saw men at elections with pistols buckled around them ; it is usual when men bring their guns with them to elections, for the purpose of hunting on the way, for them to set them in the corner, or out of the way, but this time they held them in their hands.

Re-examined by Mr. Devecmon:

1st Question. What do you think the guns were brought there for ?

Answer. My opinion is, they were brought there for the purpose of preventing Conservatives from voting, had the Conservatives insisted on voting.

Cross-examined again by Mr. Brown.

1st Question. Why did you not register in 1865 ?

Answer. Beeause the men appointed to register I did not like ; one of the registers lost his wife by death ; a few weeks after he married his late wife's sister, and she had four children ; one of said children was a mulatto, and I swore such a man should never register me.

DAVID S. ARNOLD.

Deposition No. 23.

Wm. H. Kitzmiller, being duly sworn deposed and said as follows, to wit :

By Mr. Bevecmon :

1st Question. What is your name, age, residence and occupation ?

Answer. My name is Wm. H. Kitzmiller ; age 34, live in

in District No. 10, Allegany County, Md., and a shoemaker by trade.

2d Question. When were you registered?

Answer. In September, 1866, in District No. 10.

3d Question. Did you attend the election held in District No. 10, Allegany County, on November 6, 1866; did you offer to vote, was your vote accepted or refused, whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; offered to vote; but the Judges refused my ticket, saying there was a witness against me, who said I was guilty of piloting rebels; I called for the name of the witness; they gave it. I then brought up the witness whom they had named. He denied he had ever made any such charge, and said that he would swear before the Judges, that he had never made any such charges. They refused to let me in the election room with my witness, and would not examine said witness; the witness was Alexander Kitzmiller; the Judges never offered me any oath; the names of the parties on my ticket as candidates for House of Delegates were Patrick Hammil, George W. McCulloh, William Devecmon, William A. Bryden and John McElfish.

4th Question. Was there any armed men at the polls November 6, 1866, and had they a tendency to intimidate voters?

Answer. There was an armed force there, two guarding the door; I do not think they intimidated any one, at least they did not me. The Judges made no objection to the armed force being there; these armed men made no attack on any one, and made no use of the weapons except to hold them in a military attitude.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. Because I did not like the registers; one of them lost his wife by death, then in a week or two married his wife's sister who had four children, one of which was a mulatto, and no such man chould register me.

WILLIAM H. KITZMILLER.

Deposition No. 24.

GEORGE H. GOWER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon,

1st Question. What is your name, age, residence and occupation?

Answer. My name is George H. Gower, age 21, live in

District No. 10, Allegany county, Maryland, by occupation a farmer.

2nd Question. When did you register?

Answer. In September 1866, in District No. 10.

3rd Question. Did you attend the election held in Allegany county Maryland, November 6, 1866; did you offer to vote; was your vote accepted or rejected; whose names were on your ticket as candidates for House of Delegates?

Answer. I did attend said election, offered to vote, but the the Judges refused my vote because I would not take the oath they presented me. The names of the parties on my ticket as candidates for House of Delegates were, John McElfish, William A. Bryden, William Devecmon, George W. McCulloh and Patrick Mammil.

Cross-examined by Mr. Brown.

1st Question. Did you offer to register in 1865?

Answer. I did not, because I was not old enough.

GEORGE H. GOWER.

Deposition No. 25.

PEPER KNEPP, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Peter Knepp, age 34, live in District No. 10, Allegany county, Maryland, and am a farmer.

2nd Question. When did you register?

Answer. In September, in District No. 10.

3rd Question. Did you attend the election held in District No. 10, Allegany county, on November 6, 1866; did you offer to vote, and was your vote accepted or refused: whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election, offered to vote, but the Judges of election refused twice; the first time I offered, they said they had no time to attend to me; the second time I offered, George S. Lee, one of the Judges said he would not take my vote, and also said there were no charges against me; the names on my ticket as candidates for the House of Delegates were William Devecmon, William A. Bryden, George W. McCulloh, John McElfish and Patrick Hammil. When the Judges saw I was going away, they called me back and asked me to take the oath, and I refused to do it.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865.

Answer. My reason was the same as that of Mr. Arnold and Mr. Kitzmiller.

PETER KNEPP.

Deposition No. 26.

WILLIAM BROWNING, SR., being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon.

1st Question. What is your name, age, residence and occupation?

Answer. My name is Wm. Browning; age 62; live in Dist. No. 14, Allegany county, Md., and by occupation a farmer.

2d. Question. When did you register?

Answer. In September, 1866, in District No. 14.

3d Question. Did you attend the election held in District No. 14, in Allegany county, November 6, 1866; did you offer to vote; was it refused or accepted; whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election, offered to vote, but the Judges refused my vote, saying there were charges of disloyalty against me, and that the registers had no rig ht to register me; they did not ask me to take any oath; I was always loyal and am now, and had a son in the Union army; the names of the parties on my ticket as candidates for House of Delegates, were Wm. A. Bryden, Wm. Devecmon, John McElfish, George W. McCulloh, and Patrick Hammil.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. Because the Registers would not register me.

Re-examined by Mr. Devecmon.

1st Question. did any one else offer to vote, and was he refused, and was he registered?

Answer. There was Walter Wilburn, a very old man unable to get here, was registered, offered to vote and was refused; he would vote for Wm. Devecmon, Wm. A. Bryden, Patrick Hammil, John McElfish, and John W. McCulloh, as candidates for House of Delegates. Mr. Wilburn is between 80 and 90 years of age; I was present when Mr. Wilburn offered his vote.

(The above is excepted to by Mr. Brown.)

WM. BROWNING.

Deposition No. 27.

WM. MOON, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence, and occupation?

Answer. My name is William Moon; age 53; live in Dist. No. 10, Allegany county, and a farmer.

2d Question. When were you registered?

Answer. In September, 1866, in District No. 10.

3d Question. Did you attend the election held in District No. 10, Allegany county, Maryland, November 6, 1866; did you offer to vote and was your vote accepted or rejected; whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election, offered to vote; the Judges refused to take my vote, never saying why, and bringing no charge against me; they never offered to swear me; the names on my ticket as candidates for House of Delegates, were Wm. A. Bryden, Wm. Devecmon, George W. McCulloh, John McElfish, and Patrick Hammil.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. I knew nothing of it until too late to register.

WILLIAM MOON.

Deposition No. 28.

JOHN L. BROWNING, being duly sworn, deposed and said as follows. to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is John L. Browning; age, 57; live in in Disirict No. 15, Allegany county, Md.; and by occupation a farmer.

2nd Question. When did you register?

Answer. In September, 1866, in District No. 15,

3rd Question. Did you attend the election held in District No. 10, Allegany county, Maryland, November 6, 1866, did you offer to vote; was your vote accepted or rejected; and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; offered to vote, but the

Judges refused my vote, because I would not take the oath and answer their questions, as I had legally registered, and taken the oath before the Registers. The names on the ticket as candidates for House of Delegates were, William A. Bryden, John McElfish, Williams Devecmon, Patrick Hammil, and George W. McCulloh. The Judges belonged to the Radical party—all agreed not to let me vote.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. Because there was no one for whom I wished to vote.

JOHN L. BROWNING.

Deposition No. 29.

JOHN CONNEWAY, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is John Conneway; age, 66; live in District No. 10, Allegany county, Maryland; by occupation a farmer.

2nd Question. When did you register?

Answer. In September, 1866, in District No. 10.

3d Question. Did you attend the election held in District No. 10, Allegany county, Maryland, November 6, 1866, did you offer to vote; was your vote rejected or accepted; and whose names were on your ticket as candidates for the House of Delegates.

Answer. I attended said election; offered to vote, but the Judges refused my vote, saying I was disloyal, and if I took the oath I should vote—I am not disloyal. The names of the parties on my ticket as candidates for House of Delegates were, Wm. A. Bryden, Wm. Devecmon, George W. McCullough, Patrick Hammil and John McElfish; the oath they presented me was, I suppose, the same oath I had taken before the Register, but I declined to take it as I had taken it once.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. I did not try to register; did not think they had any right to swear me.

JOHN CONNEWAY.

Deposition No 30.

ALEXANDER FAIRALL; being duly sworn, deposed and said as follows to-wit:

By Mr. Devecmon:

1st Question.—What is your name, age, occupation and residence?

Answer. My name is Alexander Fairall, age 36, live in District No. 1. Allegany county, Md., and by occupation a Postmaster.

2nd Question. When did you register?

Answer. In September, 1866, in District No. 1.

3d Question. Did you attend the election held in District No. 1, Allegany county, Md., on Nov. 6th, 1866, did you offer to vote, was your vote accepted or refused, and whose names were on your ticket as Candidates for the House of Delegates?

Answer. I attended said election; offered to vote, but the Judges refused my vote saying I was challenged; they did not tell me who challenged me, and would not tell me; the names on my ticket as candidates for House of Delegates, were William A. Bryden, William Devecmon, John EcElfish George W. McCulloh and Patrick Hammill; I refused to take the oath and answer the questions which the Judges wished to ask me, having taken the oath before the Register; Mr. Friend one of the Judges said he had my name on a paper, and asked me to come in, take the oath and answer the questions, which I declined to do; the election was held in a different place from where it had been formerly held; the last election was held at Altamont; in 1865, at Wilson's Store, I think; I did not register in 1865, because I considered it a humbug.

ALEXANDER FAIRALL.

Deposition No 31.

JACOB GOWER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Jacob Gower, age 46, reside in Dist. No. 10, in Allegany county, Md., a farmer by occupation.

2nd Question. When did you register?

Answer. In September 11, 1866, in District No. 10.

3d Question. Did you attend the election held in District No. 10, in Allegany county, Md., November 6, 1866; did you

offer to vote; was your vote accepted or refused, and whose names were on your ticket as candidates for the House of Delegates?

Answer. I attended said election; offered to vote, but it was refused because I refused to take the oath which I had taken once; the parties for whom I wished to vote as candidates for the House of Delegates were William Devecmon, William A. Bryden, John McElfish, George W. McCulloh and Patrick Hammil.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. Because it was out of my way, I had no other reason; the place of registration was nearer in 1866.

his
JACOB ⋈ GOWER.
mark

Test: J. B. WIDENER.

Deposition No. 32.

GEORGE ROTH, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is George Roth, age 52, live in District No. 10, Allegany county, and am a farmer by occupation.

2nd Question. When did you register?

Answer. In September, 1866, in District No. 10.

3rd Question. Did you attend the election held in District No. 10, Allegany county, Md., November 6, 1866; did you offer to vote, was your vote accepted or refused, and whose names were on your ticket as candidates for the House of Delegates?

Answer. I attended said election, offered to vote but the Judges refused to take it, as I refused to take an oath; the names of the parties on my ticket as candidates for House of Delegates, were William Devecmon, William A. Bryden, John McElfish, George W. McCulloh and Patrick Hammil. I had taken the oath once and did not like to takeit again.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. Because myself and family were sick, and when I was well it was too late; I was in Cumberland at the time; I left No. 10 in 1865, and moved back again in 1866; while I was away I was in Cumderland.

GEORGE ROTH.

Deposition No 33.

CHARLES O. NETHKIN, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Charles O. Nethkin; age 34; live in District No. 10, Allegany county, by occupation a farmer.

2d Question. When did you register?

Answer. In September, 1866, in District No. 10.

3d Question. Did you attend the election held in District No. 10, Allegany county, Md.; did you offer to vote; was was your vote accepted or rejected, and whose names were on your ticket as candidates for House of Delegates.

Answer. I attended said election: offered to vote, but the Judges said I could not vote, giving no reasons whatever; the names on my ticket as candidates for House of Delegates were, William Devecmon, William A. Bryden, John McElfish, Patrick Hammil and George W. McCulloh.

I was not afraid to vote; they did not offer to swear me, but unconditionally refused my vote.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. I did not like to, and did not chose to; I have always been loyal, never in either army during the late war; I never afforded any aid or comfort to the rebels, and was in neither army; was for myself; was always loyal to the Constitution.

CHARLES O. NETHKIN.

Deposition No. 34.

DAVID A. GOWER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is David A. Gower, aged 21, live in District No. 10, Allegany county, Md. ; a farmer by occupation.

2d Question. When did you register ?

Answer. In September, 1866, in District No. 10.

3d Question. Did you attend the polls at the election held in District No. 10, Allegany county, Md., November 6, 1866 ; did you offer to vote, and was your vote accepted or refused, and whose names were on your ticket as candidates for House of Delegates ?

Answer. I attended said election , offered to vote, and the Judges asked me to come inside ; I told them if they could not take my vote outside, they could not take it at all ; the names of the parties on my ticket as candidates for House of Delegates were, Wm. Devecmon, Wm. A. Bryden, Patrick Hammil, George W. McCulloh and John McElfish.

Cross-examined by Mr. Brown.

1st Question. What was the meaning of the invitation to go inside ?

Answer. We generally voted from the outside, and I suppose the reason they wished me to go inside was to take an oath ; I was not old enough in 1865 to be registered ; I saw the Judges of Election on the inside give tickets to voters.

his
DAVID A. ⋈ GOWER.
mark

Witness :—J. B. Widener.

Deposition No. 35.

John Ridder, being duly sworn deposed and said as follows, to wit :

By Mr. Devecmon :

1st Question. What is your name, age, residence and occupation ?

Answer. My name is John Ridder ; age, 29 ; live in District No. 10, Allegany county, Maryland ; and by occupation a farmer.

2d Question. When did you register ?

Answer. In September, 1866, in District No. 10.

3d Question. Did you attend the election held in District No. 10, Allegany county, Maryland, November 6, 1866 ; did you offer to vote ; was your vote accepted or rejected ; and whose names were on your ticket as candidates for House of Delegates ?

Answer. I did attend said election, did not offer to vote, because there were armed men there, and others could not vote, and I thought I could not vote. If I had been allowed to vote I would have voted for as members of the House of Delegates, Wm. A. Bryden, William Devecmon, George W. McCulloh, John McElfish and Patrick Hammil. The armed forces did intimidate me.

Cross-examined by Mr. Brown.

1st Question. Did you show your ticket to the Judges?

Answer. I did not, because I did not offer to vote. The armed men did not do any thing exactly, but I did not like the looks of them, and was a little shy; I saw the armed men do nothing with their guns; they did not present them or fire them.

JOHN RIDDER.

Deposition No. 36.

THOMAS BROWNING, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Thomas Browning; age, 49; live in District No. 14, Allegany county, Maryland; and am a farmer by occupation.

2d Question. When did you register?

Answer. In September, 1866, in District No. 14.

3d Question. Did you attend the election held in District No. 14, Allegany county, Maryland, November 6, 1866, did you offer to vote; was your vote accepted or rejected; and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; offered to vote, but the Judges rejected my vote, saying they had disfranchised me in 1865. The names of the parties on my ticket as candidates for House of Delegates were, Wm. A. Bryden, William Devecmon, John McElfish, Patrick Hammil and George W. McCulloh.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. I never applied.

THOMAS BROWNING.

Deposition No. 37.

RALPH T. BROWNING, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Ralph Thayer Browning; age, 29; live in District No. 15, Allegany County, Maryland, and by by occupation a farmer.

2d Question. When did you registered?

Answer. In September, 1866, in District No. 15.

3d Question. Did you attend the election held in District No. 15, Allegany County, Maryland, November 6, 1866; did you offer to vote; was your vote refused or accepted, and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; offered to vote, but my vote was rejected. The Judges said I could not vote unless I would take the oath, and I refused to take it. The names of the parties on my ticket as candidates for House of Delegates were William Devecmon, William A. Bryden, John McElfish, Patrick Hammil and George W. McCulloh.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. I did not offer, had done nothing to disqualify me from registering, but did not care about voting then. I took no part in the war.

R. T. BROWNING.

Deposition No. 38.

JOHN GOWER, SR., being duly sworn, deposed and said as follow, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is John Gower, Sr., age 70, live in District No. 10, Allegany county, Maryland, and a farmer by occupation.

2nd Question. When did you register?

Answer. In September 1866, in District No. 10.

3rd Question. Did you attend the election held in District No. 10, Allegany county, Maryland, November 6, 1866; did you offer to vote; and was your vote accepted or rejected; and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election, offered to vote, but the Judges refused my vote, because I would not take the oath

which they offered me. The names of the parties on my ticket as candidates for the House of Delegates, were William Devecmon, William A. Bryden, John McElfish, George W. McCulloh and Patrick Hammil.

JOHN GOWER.

Deposition No. 39.

JOHN BEARD, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is John Beard, age 55, live in District No. 10, and am a farmer.

2nd Question. When did you register?

Answer. In September 1866, in No. 10 District.

3rd Question. Did you attend the election held in District No. 10, Allegany county, Maryland, November 6, 1866; did you offer to vote; was your vote accepted or rejected; and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election, offered to vote but the Judges refused my vote because I would not take the oath which I took before the Register. The names of the parties on my ticket as candidates for House of Delegates, were William Devecmon, Patrick Hammil, George W. McCulloh, John McElfish and William A. Bryden.

I was always loyal, and did not register in 1865, because I thought the registry law would be repealed.

JOHN BEARD.

Deposition No. 40.

JOHN W. GOWER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is John W. Gower, age 48 years, live in District No. 10, Allegany county, Maryland, and by occupation a farmer.

2nd Question. When did you register?

Answer. In September 1866, in District No. 10.

3rd Question. Did you attend the election held in District No. 10, Allegany county, Maryland, November 6, 1866; did

you offer to vote; was your vote accepted or rejected, and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended the said election, did not offer to vote, because others, like myself could not vote, and I thought I could not. The names of the parties on my ticket as candidates for the House of Delegates, were William A. Bryden, William Devecmon, John McElfish, George W. McCulloh and Patrick Hammil.

Cross-Examination by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. I did not try to be registered; did not think it worth my while, because I thought the law would be repealed.

his
JOHN ⋈ W. GOWER.
mark

Test: J. B. WIDENER.

Deposition No. 41.

JOHN C. NETHKIN, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence, and occupation?

Answer. My name is John C. Nethkin; age 36; live in District No. 10, Allegany county, Maryland, and am a farmer by occupation.

2d Question. When did you register?

Answer. In September, 1866, I think in District No. 10.

3d Question. Did you attend the election held in District No. 10 Allegany county, Maryland, November 6, 1866; did you offer to vote; was your vote accepted or rejected, and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; offered to vote, but the Judges refused my ticket, because I would not take the oath which they presented me; the names of the parties on my ticket as candidates for House of Delegates, were John McElfish, George W. McCulloh, Wm. A. Bryden, Wm. Devecmon, and Patrick Hammil.

Cross-Examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. Because I thought the law would be repealed; have never been in either army; not able.

his
JOHN C. ⋈ NETHKIN.
mark

Test: J. B. WIDENER.

Deposition No. 42.

HENRY A. SHAFFER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence, and occupation?

Answer. My name is Henry A. Shaffer; age 23; live in District No. 10, and am a farmer by occupation.

2d Question. When did you register?

Answer. In September, 1866, in District No. 10.

3d Question. Did you attend the election held in District No. 10, Allegany county, Maryland, November 6, 1866; did you offer to vote; was your vote accepted or rejected, and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; offered to vote, but the Judges refused to receive it, because I would not take the oath again, having taken it before the Register; the names on my ticket as candidates for House of Delegates, were Willliam Devecmon, William A. Bryden, George W. McCulloh, John McElfish, and Patrick Hammil,

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. I thought the law would be repealed, and I did not apply to be registered. In 1866 I thought we could elect men to make laws to suit us.

HENRY A. SHAFFER.

Deposition No. 43.

GEORGE N. GOWER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, your age, residence and occupation?

Answer. My name is George N. Gower; age 35; live in District No. 10, Allegany county, Maryland; and am a farmer.

2d Question. When did you register?

Answer. In September, 1866, in District No. 10.

3rd Question. Did you attend the election held in District No. 10, Allegany county, Maryland, November 6, 1866; did you offer to vote; was your vote accepted or refused, and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended the said election; did not offer to vote, because others, like myself, could not vote, and I thought mine would not be taken. The names of the parties on my ticket as candidates for the House of Delegates were William Devecmon, Wm. A. Bryden, John McElfish, Patrick Hammil and George W. McCulloh.

Cross-examined by Mr. Brown.

1st Question. Were you afraid of any guns?

(Excepted to.)

Answer. I was not. I never tried to be registered in 1865, because I did not approve of the way things were going on.

GEORGE N. GOWER.

Deposition No. 44.

GEORGE MORSER, being duly sworn deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is George Morser, age 70, live in District No. 10, Allegany county, Maryland; and am a farmer.

2d Question. When did you register?

Answer. In September, 1866, in District No. 10.

3d Question. Did you attend the election held in District No. 10, Allegany county, Maryland, November 6, 1866; did you offer to vote; was your vote refused or accepted, and whose names were on your ticket as candidates for the House of Delegates?

Answer. I attended the election held November 6, 1866, in Allegany county, Maryland; offered to vote, but the Judges refused it because I would not take an oath they offered me. The names of the parties on my ticket as candidates for the House of Delegates were William Devecmon, William A. Bryden, George W. McCulloh, Patrick Hammil and John McElfish.

GEORGE MORSER.

Deposition No. 45.

WILLIAM HALL, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. Were you Register in No. 15, just prior to November 6, 1866?

Answer. I was.

2d Question. Do you know any one who was not registered in District No. 15 prior to such election, whom the Judges of the Election allowed to vote November 6, 1866?

Answer. I do. His name is William Fanty.

WILLIAM HALL.

Deposition No. 46.

JONATHAN H. WILSON, being duly sworn deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. Were Henry Hamil, A. C. Hamil, Henry O. Hamil, Rezin Turner, Richard J. West, George H. O'Brien, Patrick Hamil and Alexander Fairall legally registered by you as voters prior to November 6, 1866; and were you the legally appointed Register for District No. 1, Allegany county, Maryland?

Answer. The above named parties were legally registered by me, and I was the legally appointed Register for District No. 1. The election on that day, November 6, 1866, was not held in the place usually used for such elections.

JONATHAN H. WILSON.

Deposition No. 47.

HENRY O. HAMMIL, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Henry O. Hammil, age 51, live in District No. 1, Allegany county, Md., and am a carpenter by trade.

2d Question. When did you register?

Answer. In September, 1866, in District No. 1.

3rd Question. Did you attend the election held in District No. 1. Allegany county, Md., November 6, 1866, did you offer to vote, was your vote accepted or refused, and whose

names were on your ticket as candidates for House of Delegates?

Answer. I attended said election November 6, 1866, offered to vote, but the Judges refused my ticket, and said I could not vote, giving me no reason whatever except they said my name was on the list, having asked Mr. Kitzmiller if it was; the names of the parties on my ticket as candidates for House of Delegates were Mr. Devecmon, Wm. A. Bryden, John McElfish, George W. McCulloh and Patrick Hammil.

Cross-Examined by Mr. Brown.

1st Question. Do you know anything about the list you mentioned.

Answer. I do not, the Judges did not show it to me; I did not register in 1865, because I did not suppose they would let me register, was busy and did not apply, others like me had applied and could not register.

H. O. HAMILL.

There being no other witnesses produced before me now, and no further time being required by the said contestants for the production of evidence here, I closed the taking of testimony at this place, this 6th day of December, 1866.

J. B. WIDENER,
Justice of the Peace.

CUMBERLAND, ALLEGANY COUNTY, Md.,

December 10, 1866.

Pursuant to the notice aforesaid, I attended also at the time and place secondly therein named, and having appointed Joseph A. Cahill, as Clerk, and administered to him an oath to fairly write down and transcribe the depositions to be taken by me, did proceed then and there to take the following testimony, to wit:

Deposition No. 48.

John Slicer, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Deposition No. 48.

Answer. My name is John Slicer, age 63, reside in District No. 3, Allegany county, Md., and a hotel keeper by occupation.

2d Question. When did you register?

Answer. In September, 1866, in District No. 3, as a qualified voter.

3d Question. Did you attend the election held in District No. 3, Allegany county, Md., Nov. 6th, 1866; did you offer to vote; was your vote accepted or rejected, and whose names were on your ticket as candidates for the House of Delegates?

Answer. I attended said election, offered to vote, but my vote was refused by the Judges of Election, they saying there was a paper lodged with them having charges against me; the names on my ticket as candidates for the House of Delegates were, Wm. A. Bryden, Wm. Devecmon, John McElfish, George W. McCulloh and Patrick Hamil.

Cross-examination by Mr. Brown.

1st Question. Did the Judges request you to take any oath?

Answer. They did not.

2d Question. At what time in the day did you offer to vote?

Answer. Shortly after the polls were opened; the Judges said they must examine a paper containing charges against me and lodged with them; they rejected my vote by reason of the charges made against me; they said the charge was this: That about the commencement of the war, Benton White came to Cumberland for the purpose of going South, and that I had persuaded him to go South; I never did persuade him, or any one, to go South; there were no charges against me before the Register, when I registered in September, 1866; I did not register in 1865, because my wife persuaded me not to do so, as it would create a difficulty between White's family and ours; I never made application to be registered in 1865; I don't know whether I was entered on the Registration books in 1865; I offered to prove before the Judges of Election that the charges made against me were false, but they refused to hear it.

JOHN SLICER.

Deposition No. 49.

JEREMIAH GUARD, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Jeremiah Guard; age, 52; live in District No. 2, Allegany county, Md., and am a merchant by occupation.

2d Question. When did you register?

Answer. In September, 1866, in District No. 2, as a qualified voter.

3d Question. Did you attend the election held in District No. 2, Allegany county, Md., Nov. 6th, 1866; did you offer to vote; was your vote received or rejected; and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; offered to vote, but the Judges refused to receive my vote, saying there was a charge against me. I asked what the charge was, but they would not tell me, neither would they produce the witness who brought the charge, they saying it was not their business. There were no charges entered against me by the Register who registered me; the names on my ticket as candidates for House of Delegates were Wm. A. Bryden, Wm. Devecmon, George W. McCulloh, John McElfish and Patrick Hammil.

Cross-examined by Mr. Brown.

1st Question. Why did you not register in 1865?

Answer. I did intend to register, but the Register in 1865 asked so many foolish questions; and I thought the Board too contemptible and mean for any white person to appear before; I had no other reason for not registering in 1865.

JEREMIAH GUARD.

Deposition No. 50.

PETER SPEELMAN, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Peter Speelman, age 75, reside in District No. 2, Allegany County, Maryland, and am a farmer by occupation.

2d Question. When did you register?

Answer. I registered as a qualified voter in District No. 2, in September, 1866.

3d Question. Did you attend the election held in District No. 2, Allegany county, Maryland, November 6, 1866; did you offer to vote, was your vote accepted or refused; and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election, offered to vote, but the Judges refused my vote, not giving any reasons. The names on my ticket as candidates for House of Delegates were, Wm. Devecmon, Wm. A. Bryden, John McElfish, George W. McCulloh and Patrick Hammil.

Cross-examined by Mr. Brown.

1st Question. What did the Judges say?

Answer. They only said they had the law; and also a paper with my name on it, but would not tell me any thing about it. They offered me no oath.

2d Question. Did you apply to be registered in 1865?

Answer. I did not, for I thought it was no use.

PETER SPEELMAN.

Deposition No. 51.

OTHO SPIELMAN, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Otho Spielman, age 34, live in District No. 2, Allegany county, Maryland, and am a miller and a farmer by occupation.

2nd Question. When did you register?

Answer. In September, 1866, in District No. 2, as a qualified voter.

3rd Question. Did you attend the election held in Allegany county, Maryland, November 6, 1866; did you offer to vote; was your vote accepted or refused; and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended the said election; offered to vote, but the Judges refused to take my vote, saying they had a charge against me, but not telling me what it was. The names on my ticket as candidates for House of Delegates were, William Devecmon, William A. Bryden, John McElfish, George W. McCulloh and Patrick Hammil.

Cross-examined by Mr. Brown.

1st. Question. Did you apply for registration in 1865?

Answer. I did not. I took sick the last day, when I intended to go, and could not go. I had no other reason—I had nothing to do with the rebellion, for or against it. The Register had no charges against me when I registered, and the Judges refused my vote because there were charges lodged against me with the Registers in 1865; I don't know what they were.

OTHO SPIELMAN.

Deposition No. 52.

WILLIM H. SAVAGE, being duly sworn, deposed and said as follows, to wit;

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is William H. Savage, age 47 years, reside in District No. 2, Allegany county, Maryland, and am a farmer.

2d Question. When did you register?

Answer. I registered in September, 1866, in District No. 2, as a qualified voter.

3d Question. Did you attend the election held in District No. 2, Allegany county, Md., Nov. 6th, 1866; did you offer to vote; was your vote accepted or refused, and whose names were on your ticket as candidates for the House of Delegates?

Answer. I attended the said election, and offered to vote, but the Judges refused to take my vote saying I was a deserter from the United States Army; I asked them to show their documents or charges against me, but they would not do it. I was in Company D. 3rd Maryland Infantry, P. H. B., and had in my pocket an honorable discharge from my regiment. The names on my ticket as candidates for House of Delegates were, William Devecmon, William A. Bryden, John McElfish, George W. McCulloh and Patrick Hammil.

Cross-examined by Mr. Brown.

1st Question. Did you ever desert from the Army.

Answer. I did not.

WILLIAM H. SAVAGE.

Deposition No. 53.

ISRAEL SAVAGE, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Israel Savage; age 42; live in District No. 2, Allegany county, Maryland, and am a farmer by occupation.

2d Question. When did you register?

Answer. I registered as a qualified voter and voted in 1865.

3rd Question. Did you attend the election held in District No. 2, Allegany county, Md., November 6, 1866; did you offer to vote, and whose names were on your ticket as candidates for the House of Delegates?

Answer. I attended said election and offered to vote, but the Judges refused to take my vote because my name was not

on the list which the Register furnished the Judges on the morning of the election, although it was in the list printed in the newspapers. Mr. Friend, the Register, came before the Judges, and told them that he had accidentally omitted to put my name on the transcript he had given them, and that he would correct the error, as my name had been legally registered in 1865, but the Judges refused to let the correction be made. I have never changed my residence since I was registered in 1865. The names on my ticket as candidates for House of Delegates were William Devecmon, John McElfish, William A. Bryden, George W. McCulloh and Patrick Hammil.

his
ISRAEL ⋈ SAVAGE.
mark

Test:—J. B. WIDENER.

Deposition No. 54.

ISAIAH HANN, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Isaiah Hann; age, 48; live in District No. 10, and am a farmer by occupation.

2d Question. When did you register as a legal voter?

Answer. I registered in 1865, in District No. 10, Allegany county, Md.

3d Question. Did you attend the election held in District No. 10, in Allegany county, Md., November 6th, 1866; did you offer to vote; was your vote accepted or refused, and whose names were on your ticket as candidates for the House of Delegates?

Answer. I did not attend said election; did not offer to vote, and had no reason for not attending the election, and did not apprehend a disturbance at the polls.

ISAIAH HANN.

Deposition No. 55.

EZRA HOUSER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is EZRA HOUSER; age, 71; reside in

Dstrict No. 10, Allegany county, Maryland, and a farmer by occupation.

2nd Question. When did you register as a legal voter?

Answer, I registered in September 1866, in District No. 10, as a qualified voter

3rd Question. Did you attend the election held in District No. 10, Allegany county, Maryland, November 6, 1866; did you offer to vote; was your vote accepted or refused, and whose names were on your ticket as candidates for House of Delegates?

Answer. I did not attend said election, because I saw some of my neighbors who were not allowed to vote, and I thought I would not be allowod to vote, and I did not go; I heard parties say, who were registered that the Judges would not allow them to vote. I have lived all my life in Maryland, and have always been loyal. I cant say who I would have voted for as I never saw any ticket, but I would have voted for Patrick Hammil for House of Delegates, had I have gone to the polls.

EZRA HAUSER.

Deposition No. 56.

BENJAMIN F. SHAFFER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Benjamin F. Shaffer, age 26; reside in District No. 10, Allegany county, Maryland; and am by occupation a farmer.

2nd Question. When did you register?

Answer. I registered as a qualified voter, in Sept. 1866.

3d Question. Did you attend the election held in District No. 10, Allegany county, November 6, 1866; did you offer to vote, was your vote accepted or refused; and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election, offered to vote, but the Judges refused my vote, saying that I was not lawfully registered and had not taken the oath; they said this after they refused my vote. The names on my ticket as candidates for House of Delegates, for whom I wished to vote, were William Devecmon, Patrick Hammil, William A. Bryden, John McElfish ond George W. McCulloh. I saw a good many armed men standing around the polls. The armed men I knew were sons of one of the Judges, Mr. James Chisholm. I cant tell exactly how many armed were there.

Cross-examined by Mr. Brown.

1st Question. Did the armed men interfere with you?

Answer. They did not.

2nd Question. Did the armed men behave peaceably?

Answer. They did, while I was there.

3rd Question. Did you see the armed men try to influence the votes of any?

Answer. I did not, the armed men made no use of their guns.

4th Question. Why did you not register in 1865?

Answer. I did not apply, thinking the Registry law unconstitutional and looked for its repeal. There were no charges against me.

Re-examined by Mr. Devecmon.

1st Question. Did you have any objection to the Registry law itself?

Answer. No, I had not, but to the questions which they propounded.

2nd Question. What was generally understood throughout District No. 10, in regard to the armed force being at the polls on election day?

Answer. To keep the conservatives from voting.

3d Question. Did you see armed men at the polls?

Answer. I did.

BENJAMIN F. SHAFFER.

Deposition No. 57.

JOHN ROTH, being, duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is John Roth; age, 47; reside in District No. 10, Allegany county, Maryland; and am a farmer by occupation.

2d Question. When did you register as a legal voter?

Answer. I registered as a qualified voter in 1865, in District No. 10.

3d Question. Did you attend the election held in District No. 10, Allegany county, Maryland, Novemer 6, 1866, did you offer to vote; was your vote accepted or refused; and

whose names were on your ticket as candidates for House of Delegates?

Answer. I did not attend said election; I call myself a Union man; I heard reports, generally rumored, that an armed force would be at the polls, and I expected a disturbance at the polls. If I had voted at all, I would have voted as candidates for House of Delegates, for Wm. Devecmon, Wm. A. Bryden, John McElfish, George W. McCulloh and Patrick Hammil; I was sworn to the United States in 1840.

Cross-examined by Mr. Brown.

1st Question. Did you see either ticket during the election, and do you know the names on either?

Answer. I saw neither, and don't know the names on either. I would have voted the ticket that Patrick Hammil was on, I knew Mr. Hammil was a candidate; I did not think it would profit me to go to the election; I never heard any thing of a company coming from Virginia to be at the polls. There was no doubt both sides were prepared, and afraid to fight.

JOHANUS ROTH.

Deposition No. 58.

TOBIAS S. FISHER, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Tobias S. Fisher; age, 26 years; reside in District No. 10, Allegany county, Maryland; and am a teacher by profession.

2d Question. Do you know any thing about an organization of an armed force in No. 10, previous to the election November 6, 1866.

Answer. About the 27th of October, 1866, the Radicals in No. 10, held a meeting to organize a squad or company of men to go to the polls on November 6, 1866, to protect the polls; these men were to go to the polls armed, and officers to the company were elected, I was at the meeting mentioned, and the ballots for officers were secret, and were counted, but the officers so elected were not mentioned openly; I am from Pennsylvania, and was in District 10 temporarily teaching school.

3d Question. Did Dr. Charles H. Ohr counsel such a meeting and organization?

Answer. Dr. Ohr and Captain Falkensteine were presen at the meeting held on October 23d, 1866, the Tuesday pre-

vious to the meeting held October 27, 1866, and a motion was made at this meeting to adjourn to the 27th of October, for the purpose of organizing a squad or company of armed men to go to the polls on the day of election, and Dr. Ohr approved and sanctioned this motion. Captain Falkenstine made a short speech at this meeting. This meeting of October 23d, and also the meeting October 27, were held in Ryan Glade's School House in District No. 10, Allegany county, Maryland. Upton F. Briggs was President of the meeting that organized this company. Mr. James Chisholm, one of the Judges of Election, was present at the meeting October 23d. He was afterwards at the meeting October 27, 1866, and was appointed on the committee to draft resolutions.

4th Question. Do you know anything about the resolutions passed at said meeting, Oct. 27th, 1866?

Answer. Nothing, particularly, except denouncing Governor Swann and President Johnson.

5th Question. Was it generally understood after October 27th, 1866, in District No. 10, that an armed force would be at the polls, Nov. 6th, 1866?

Answer. It was generally understood.

TOBIAS S. FISHER.

Deposition No. 59.

JAMES BRAFFORD, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is James Brafford; age 58; reside in Dist. No. 10, Allegany county, Md., and am a farmer by occupation.

2d Question. Do you know anything about a meeting held by the Radicals in Ryan's Glades School House, District No. 10, Allegany county, Md., Oct 23. 1866?

Answer. I was present at said meeting. Oct. 23d, 1866; when I went into the meeting, Dr. Chas. H. Ohr was speaking; in the latter part of his speech he advised his hearers to secretly get up some ten or twelve men, and arm them, to guard the Judges of Election; and Mr. James Chisholm, one of the Judges of Election, then said nothing could be done secretly at this meeting, but that a secret meeting would be held on the Saturday evening following October 27th, 1866.

I did not go to the election, because I had not been long enough in the county and State to entitle me to vote.

JAMES BRAFFORD.

Deposition No. 60.

CHARLES PAGENHARDT, being duly sworn, deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Charles Pagenhardt, age 42 years, reside in District No. 4, Westernport, Allegany county, Md., and am a cabinet maker.

2d Question. When did you register as as a legal voter?

Answer. In August, 1866.

3d Question. Was the election Nov. 6th, 1866, in your District, held in the usual place for holding elections?

Answer. It was held in an unusual place, in Hammond's addition to Westernport, in a drinking saloon in a cave under the mountain, called by some "a hole in the wall."

4th Question. How far is this cave, or drinking saloon from the bridge leading into West Virginia?

Answer. About fifty feet, I think.

5th Question. Was this saloon, where the election was held, inconvenient for voting?

Answer. It was very inconvenient, being only about ten feet from the railroad, the railroad being only about fifteen feet from the front door.

6th Question. Did the Judges leave the ballot box out of their sight and possession, and if so, at what time of the day Nov. 6th, 1866?

Answer. They did, just after the polls were closed, at six o'clock, P. M.

7th Question. In whose posession was it left?

Answer. In the possession of Abraham Dayton, the clerk to the Judges; the Judges went to supper and remained away about one hour and a half.

8th Question. To whom does this saloon belong?

Answer. It belonged then, and belongs now, to Robert Powell, who had a large bet on the election, he taking the Radical side. This Powell locked the door of the room where the Judges held the election immediately after said Judges went to supper, and put the key in his pocket; Abraham Dayton mentioned above, remained tn the room.

CHARLES PAGENHARDT

NOTE.—There being none of the Contestees, or their attorney, present, the witness was not cross-examined.

Deposition No. 61.

Owen Riordan, being duly sworn deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Owen Riordan, age 40; live in District No. 4, Allegany county, Maryland, and am a miner by occupation.

2d Question. When did you register as a legal voter?

Answer. In September, 1865.

3d Question. Where was the election held November 6, 1866 in your District?

Answer. It was held in an unusual place, in Powell's drinking saloon, a cave under the mountain and about ten or fifteen feet from the Railroad, and very close to the Potomac River. Powell told me that he could not vote because he had a bet made on the election.

[Note.—There being none of the contestees present, nor their attorney, the witness was not cross-examined.

OWEN RIORDAN.

Deposition No. 62.

Richard J. West, being duly sworn deposed and said as follows, to wit:

By Mr. Devecmon:

1st Question. What is your name, age, residence and occupation?

Answer. My name is Richard J. West; age 33 years; reside in District No. 1, Allegany county, Maryland, and am a farmer by occupation.

2d Question When did you register as a legal voter?

Answer. In September, 1866, in District No 1.

3d Question. Did you attend the election held in your District November 6, 1866; did you offer to vote; was your vote accepted or rejected, and whose names were on your ticket as candidates for House of Delegates?

Answer. I attended said election; offered to vote; but the Judges refused my vote; the names on my ticket as candidates for House of Delegates, were Wm. Devecmon, Wm. A. Bryden, George W. McCulloh, John McElfish and Patrick Hammil.

RICHARD J. WEST.

Neither party desiring to make any further interrogatories or producing any other witnesses, I accordingly close this

testimony, and certify that the foregoing is a true statement of answers given by the several witnesses as they were respectively produced and examined before me this day.

Given under my hand and seal this 30th day of December, in the year 1866.

J. B. WIDENER. [SEAL.]
Justice of the Peace.

CONTESTANT'S EXHIBIT "B."

NOTICE.

To William R. McCulley, Samuel M. Haller, D. C. Bruce and Charles Gilpin.

Gentlemen: You are hereby notified that in accordance with the provision of article thirty-five of the Code of Public General Laws relating to contested elections, William Devecmon Patrick Hammil, William A. Bryden and John McElfish, who are contesting your election to the House of Delegates under the election held in Allegany county, Maryland, on Tuesday November the 6th, in the year 1866, have applied to the undersigned, a Justice of the Peace of the State of Maryland in and for Allegany county aforesaid, for a notice under my hand and seal to be directed to you, notifying you that they will examine before me the persons as witnesses who are herein after named, to wit: H. Hammill, A. C. Hammil, H. O. Hammil, R. Turner, R. J. West, G. H. O'Brien, Pat. Hammil Jona. H. Wilson, Alex. Fairall, Jeremiah Guard, Peter Speelman, Otho Speelman, Richard White, William Savage, Ezr Savage, Walter Wilburn, Wm. Browning, Thomas Browning, Perry Weimer, John Slicer, John Alexander, Henr Deffenbaugh, John L. Browning, Alfred T. Browning, Wi liam Hall, William Arnold, David S. Arnold, Charles Best John Beard, John Conneway, David A. Gower, Jacob F Gower, John Gower, John N. Gower, John A. Gower, Geo H. Gower, Henry Rearson, Abraham Hawn, Josiah Hawr David E. Hauser, Ezra Hauser, Charles O. Nithheim, Joh Paugh, John Rorth, John Redder, Jr., George Rorth, Frec erick P. Saucer, Benjamin F. Shaffer, E. C. Tabb, Joh Whinell, Jr., Joseph Knep, Peter Knep, Lloyd Kitzmiller Wm. H. Kitzmiller, Dudley Lee, Henry Lowrey, Jerre Lecht, James F. Siller, William H. Moon, Jacob R. Moo

Josiah Moon, G McCormick, F. Martin, Geo. Mossey, Geo. L. Mossey, J. McClure Mason, John C. Nithken, John Phillips, John G. Roth, John Redder, Senior, John F. Saunder, Jacob Shaffer, Henry O. Shaffer, Henry Thompson, Henry Kline, A. Chamberlin, John Naughton and Thomas Jamison; and we further give you notice that we shall offer in evidence a certified copy of the registration of voters in the respective districts of the county.

By the above witnesses we expect to prove:

First, That intimidation and threats were practised on legal voters by the Judges of Election in the several districts of the county, and by other persons through the connivance and approval of said Judges, which precluded and prevented a large number of legal voters from voting for contestants who would have voted for them but for such threats and intimidation.

Second, That the said Judges of Election wilfully and fraudulently refused to permit registered voters to vote unless they would cast their votes for you, and would not allow them to vote for the contestants, and that the number of legal registered voters so refused and who offered to vote for the contestants, would, if received, give the contestants a large majority of the legal voters.

Third, That at the polls in Election districts Nos. 10, 16, 5, 14 and 2, sundry illegal voters, unregistered and non-resident, were permitted by the Judges of Election to cast their votes for each of you for the House of Delegates, and numerous legal voters, qualified to vote at said polls and offering their votes at the polls for the contestants, were rejected, and refused to be allowed to vote by said Judges of Election.

Fourth, That the election in Districts Nos. 4 and 1 were held at illegal and unusual and improper places, inaccessible, inconvenient, and places unknown to some of the voters until it was too late to go there to vote, and that the Judges of Election in those two districts hold the election at these places through improper bias for you, and with a view to keep off the voters who were in favor of the contestants, and that the said Judges behaved in other respects, at the polls and prior to the election, with partiality to you and prejudice to the contestants, and excluded and rejected legal voters who offered their ballots for the contestants.

Fifth, That the Judges of Election in District No. 4, after the polls were closed at said election, all went out of the polling place and remained away about two hours, during which time the poll list and ballot-box were out of their sight and possession and left in the possession of one Abraham Dayton and other persons; and that said election was held at the

drinking saloon, being a cave in the ground, of one Robert Powell, and the ballot-box and poll list were left there while the Judges were absent as aforesaid, and the said Robert Powell had made bets on your election and against the contestant's election, and these facts were known to the said Judges of Election.

Sixth, That the Judges of Election were partial in the discharge of their duty, and were, and acted as, the partisans of you the above named persons claiming to be elected, and openly solicited voters to cast their ballots in favor of you, while said election was going on and previous thereto, and determined previous to said election to exclude certain legal voters who would vote for the contestants and against you, and did exclude many such voters in pursuance of such previous determination from casting their ballots for the contestants, and that you or some of you advised said Judges or some of them to exclude said persons from voting for contestants.

Seventh, That each and every one of the witnesses hereinbefore named, are legal registered voters entitled to vote at said election, and that each of them attended the polls in their respective election districts on the day of election, to wit, the 6th day of November, 1866, between 9 o'clock in the morning and 6 in the evening, and tendered his ballot to the Judges of Election with the names of the contestants printed on said ballots for House of Delegates, and offered, intended and tried to vote for contestants for said office, but said Judges of Election refused to receive their votes and deprived them of the right of voting for the contestants.

Eighth. That a large number of persons who were your partisans and friends and voted for you at said election, surrounded the polls with arms and weapons in Election District No. 10 on the morning of election and held the said polls all that day and drove off by force, violence, threats and intimidation a large number of legal registered voters who were entitled to vote at said election for members of the House of Delegates, and who desired and intended and offered themselves ready at the polls with their ballots in their hands to vote for the contestants for the House of Delegates, and that these persons were forced off and could not put in their ballots for the contestants by reason of the force, violence, threats and intimidation aforesaid.

They further notify and require each of you to attend in person or by attorney at the Glades Hotel in Oakland, Allegany county, on Wednesday and Thursday, the 5th and 6th days of December next, at 10 o'clock A. M., to cross examine witnesses, and also to attend in person or by attorney, at my office in the city of Cumberland, on Monday the 10th day of December next, at 10 o'clock A. M., to cross examine wit-

nesses and to do such matters in the premises as you desire. And you are further notified that if all said testimony cannot be taken on the days and at the places herein named, the taking of the same will be continued from day to day at the said named places until it is completed.

Given under my hand and seal this 21st day of November, in the year of our Lord eighteen hundred and sixty-six.

JOHN B. WIDENER, J. P. [SEAL.]

CUMBERLAND, MD.,
December 24, 1866.

I hereby certify that I did, on the 16th day of November, 1866, serve upon William R McCulley and Charles Gilpin each, and on the 19th day of November 1866, on Samuel M. Haller and Daniel C. Bruce each, a copy of the foregoing notice, by leaving with each of them a written copy of said aforegoing notice.

DANIEL DUNCAN,
Sheriff of Allegany county.

[U. S. 5 ct. stamp.]

STATE OF MARYLAND,
ALLEGANY COUNTY, *to wit:*

I hereby certify that on this 2d day of January, 1867, before me the subscriber, a Justice of the Peace of the State of Maryland, in and for Allegany county, personally appeared Daniel Duncan, Sheriff of Allegany county, and made oath in due form of law, that the facts stated in the above certificate are true as therein stated.

Given under my hand and seal this second day of January, 1867.

J. B. WIDENER, [SEAL.]
Justice of the Peace of the State of Maryland,
in and for Allegany county.

[U. S. 5 ct. stamp.]

STATE OF MARYLAND,
ALLEGANY COUNTY, *sct.*

I hereby certify, that J. B. Widener, Esq., before whom the annexed affidavit was made, and whose genuine signature thereto appears, was, at the date thereof, a Justice of the Peace in and for the State and County aforesaid, duly com-

missioned and sworn, and authorised by law to administer oaths and take acknowledgments.

In testimony whereof, I hereunto subscribe my
[SEAL] name, and affix the seal of the Circuit Court for Allegany county, this 2d day of January, 1867.

HORACE RESLEY,
Clerk of the Circuit Court for
Allegany County.